

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

RACKWISE INC.,

Plaintiff,

Civil Action No.: 1:19-cv-11094(AT)(SLC)

-against-

**DECLARATION OF HARRIS B. KATZ**

FOLEY SHECHTER ABLOVATSKIY, LLP,  
JONATHAN R. SHECHTER, ESQUIRE, and  
ALEXANDER ABLOVATSKIY, ESQUIRE,

Defendants.

-----X

Harris B. Katz, Esq. declares under penalty of perjury as follows:

1. I am a partner of the law firm Winget Spadafora & Schwartzberg, LLP, attorneys for the defendants in this action. I submit this Declaration in opposition to Plaintiff's motion to compel and in support of Defendants' cross-motion to compel.

2. Annexed hereto as Exhibit "A" is a true and correct copy of the Court's Memorandum of Decision, Findings of Fact, and Conclusions of Law, dated September 5, 2018, that was issued in the California Litigation.

3. Annexed hereto as Exhibit "B" is a true and correct copy of the First Amended Complaint (without exhibits), dated May 5, 2017, that was filed in the California Litigation.

4. Annexed hereto as Exhibit "C" is a true and correct copy of the Complaint, dated December 18, 2017, that was filed in the Nevada Litigation.

5. Annexed hereto as Exhibit "D" is a true and correct copy of the Complaint (without exhibits), dated February 3, 2017, that was filed in the Florida Litigation.

6. Annexed hereto as Exhibit “E” is a true and correct copy of the Motion for Entry of Default Final Judgment Against Rackwise Inc., dated March 29, 2017, that was filed in the Florida Litigation.

7. Annexed hereto as Exhibit “F” is a true and correct copy of the Renewed Motion to Set Aside Entry of Default (with Affidavits, but other exhibits omitted), dated June 23, 2017, that was filed in the Florida Litigation.

8. Annexed hereto as Exhibit “G” is a true and correct copy of the Minutes of the purported Special Meeting of the Board of Directors, dated February 2, 2017, that was produced by the Plaintiff in this action (PLAINTIFF 003349-3350).

Dated: New York, New York  
November 6, 2020

/s/ Harris B. Katz  
Harris B. Katz, Esq.